HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 4053 of 2003

Petitioners	:	State of Chhattisgarh, through the Superintending Engineer, Rural Engineering Services, Bilaspur & another
	Versus	
Respondents	:	Jairam Sahu, S/o Shri Netram Sahu & others

Shri Ajay Dwivedi, panel lawyer for the petitioners.

None for the respondents.

ORAL ORDER

(3rd April, 2006)

1. The respondent No.1 was daily wages worker and was assigned the work of Chowkidar/Watchman since 1.11.1988 and have been continuing in the same capacity till date. The circular dated 20.6.1991 issued by the General Administration Department of the Government prescribed that all the daily wages employees who have been appointed before 13.12.1988 be considered for regularization.

2. The respondent No.1 was not regularized. Being aggrieved, he filed an application under Section 31(3) of the M.P. Industrial Relations Act, 1960, in the Labour Court.

3. The Labour Court after having considered all the facts and hearing both the parties held that the respondent

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No.1 be classified as permanent w.e.f. May 1989 and the respondent No.1 be further given difference of wages from 27.9.1994 till 25.2.2002, when the Labour Court passed the order.

4. The Labour Court allowed the difference of wages keeping in view the fact that the application filed by respondent No.1 was time barred for the period before 27.9.1994.

5. Being aggrieved, the petitioner filed an appeal before the Industrial Court Raipur, being Appeal No. 133/MPIR/A-11/2002. The petitioner did not file any application for condonation of delay. The Industrial Court having considered all the facts and circumstances came to the conclusion that the appeal was time barred, as appeal ought to have been filed within a period of 30 days, under Provisions of Section 65(2) of M.P./C.G. Industrial Relations Act, 1960.

6. Admittedly, the petitioner has not filed any application for condonation of delay. It is well settled principle of law that no delay in preferring appeal can be condoned without proper application for condonation of delay.

7. I have heard learned counsel for the petitioners and have perused the records appended to the petition. There is no infirmity or irregularity in applying provisions of law while rejecting the appeal on the ground of appeal being time barred.

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8. This Court cannot sit as an Appellate Court to consider all the facts which appeared to be just and proper and the findings is on the basis of sufficient evidence recorded by the Labour Court.

9. This petition is against the dismissal of appeal on the ground of delay and the petitioner has not made out any ground for condonation of delay before the Appellate Court.

10. For the reasons stated-above, the petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Court